



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,414	09/04/2003	Gregory P. Gerber	GRD0235.US	7386
7590 02/26/2007				
Todd T. Taylor TAYLOR & AUST, P.C. 142 S. Main St. P.O. Box 560 Avilla, IN 46710				
		EXAMINER HORTON, YVONNE MICHELE		
		ART UNIT PAPER NUMBER 3635		
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/26/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/656,414

Applicant(s)

GERBER, GREGORY P.

Examiner

Yvonne M. Horton

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13, 15 and 17 is/are rejected.
- 7) ☒ Claim(s) 12, 14 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

Claims 1-10 and 13-15 are rejected over 35 U.S.C. 102 as being anticipated over US Patent #5,131,860 to BOGIEL. In reference to claims 1 and 6, BOGIEL discloses a modular wall panel assembly including a modular wall panel (10) including a base cover (41) with at least one aperture (28); and electrical distribution harness (H) connected to the modular wall panel (10) with the electrical harness (H) including a plurality of terminals (58); at least one channel (32) extending from and electrically connected to an electrical connector (52) and having a plurality of electrical conductors (26) at least partially therein and connected to the plurality of terminals (58); an electrical receptacle (24) connected to the electrical connector (52); and at least one receptacle mounting bracket (64) having a cut-out (70) at least partially surrounding the electrical receptacle (24), the mounting bracket (64) having at least one attachment element (78,68) connected to at least the modular wall panel (10) and the channel (32), the electrical receptacle (24) protruding through both the aperture (28) and the mounting bracket (64). Regarding claims 2-4 and 7-9, the receptacle mounting bracket (64) includes a rectangular C-shaped frame complimentary to the shape of the receptacle (24). In reference to claims 5 and 10, the assembly further includes a fastener (82) wherein the attachment element (68) has a hole (HO) extending through the hole (HO) and attached to the channel (32). Regarding claims 13 and 15, the receptacle mounting bracket (64) couples with only one of the electrical receptacles (24) and is non-configured for coupling with more than one electrical receptacle (24).

Claims 11 and 16 are rejected over 35 U.S.C. 102 as being anticipated over US Patent #5,131,860 to BOGIEL. Regarding claim 11, BOGIEL discloses the method of connecting an electrical receptacle (24) to an electrical distribution harness (H) for a modular wall panel assembly (10) having a base cover (41) with at least one aperture (28) including the steps of providing an electrical harness (H) including a plurality of terminals (58); at least one channel (32) extending from and electrically connected to an electrical connector (52) and having a plurality of electrical conductors (26) at least partially therein and connected to the plurality of terminals (58); connecting the electrical receptacle (24) into the electrical connector (52); placing the receptacle mounting bracket (64) over the electrical receptacle (52) such that a cutout (70) at least partially surrounds and supports the electrical receptacle (24); and attaching the receptacle mounting bracket (64) to the electrical distribution harness (H) by inserting the electrical receptacle (24) through the at least one aperture (28). In reference to claim 17, BOGIEL further discloses the steps of positioning each receptacle mounting bracket (64) such that it is non-configured for coupling with one or more electrical receptacles (24).

***Allowable Subject Matter***


Claims 12,14 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Yvonne M. Horton  
Primary Examiner  
Art Unit 3635  
02/19/07